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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Kelli Schermerhorn,

10 Plaintiff,

11 v.

12 Commissioner of Social Security
13 Administration,

14 Defendant.

No. CV-24-01672-PHX-DJH

ORDER

15 The parties have filed a Joint Stipulation for Award of Attorney Fees Under the
16 Equal Access to Justice Act (“EAJA”) (Doc. 14). Plaintiff, through counsel, seeks
17 \$4,011.77 in attorney fees. (*Id.* at 1).


18 In any action brought by or against the United States except one sounding in tort,
19 the EAJA provides that “a court shall award to a prevailing party other than the United
20 States fees and other expenses in addition to any costs . . . unless the court finds that the
21 position of the United States was substantially justified.” 28 U.S.C. § 2412(d)(1)(A);
22 *Tobeler v. Colvin*, 749 F.3d 830, 832 (9th Cir. 2014). Under the EAJA, “attorneys’ fees
23 are to be awarded to a party winning a . . . remand unless the Commissioner shows that
24 his position with respect to the issue on which the district court based its remand was
25 “substantially justified.” *Lewis v. Barnhart*, 281 F.3d 1081, 1083 (9th Cir.2002) (quoting
26 *Flores v. Shalala*, 49 F.3d 562, 568–69 (9th Cir. 1995)). Under *Astrue v. Ratliff*, 560
27 U.S. 586, 595–98 (2010), EAJA fees awarded by the Court belong to Plaintiff and are
28 subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B)).

1 Accordingly,

2 **IT IS ORDERED** that the Joint Stipulation for Attorney Fees Under the Equal
3 Access to Justice Act (Doc. 14) is **GRANTED**. Plaintiff is awarded \$4,011.77 in
4 attorney fees. Any check for EAJA fees shall be mailed to Plaintiff's counsel: Kathryn
5 Dicus; Dicus Disability LLC; 10645 N Tatum Blvd., Ste. 329; Phoenix, AZ 85028.

6 **IT IS FURTHER ORDERED** that if, after receiving this Order, the
7 Commissioner: (1) determines upon effectuation of this Order that Plaintiff does not owe
8 a debt that is subject to offset under the Treasury Offset Program, and (2) agrees to waive
9 the requirements of the Anti-Assignment Act, 31 U.S.C. § 3727(b), the fees will be made
10 payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury
11 Offset Program, the remaining EAJA fees after offset will be paid by check made out to
12 Plaintiff but delivered to Plaintiff's attorney.

13 Dated this 13th day of January, 2025.

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16 Honorable Diane J. Humetewa
17 United States District Judge
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